

REMARKS

This paper is responsive to the Office Action mailed June 6, 2008 and the Office Action mailed April 30, 2009. The Office Action mailed April 30, 2009 states that the amendment filed on December 8, 2008 does not comply with 37 CFR (b) and (d) because additions to the patent application were not entirely underlined. This response is filed to comply with the rules governing amendments in a reissue application.

Claims 1-28, 30-39, 41-43, 45-70, 72-80 and 82-88 were pending before submission of this paper. Claims 6-8, 10-13, 15, 17-18, 20, 22-25, 27, 41, 45-63, 65-66, 69-70, 72-80 and 82-88 stand rejected. Claims 1-5, 9, 14, 16, 19, 21, 26, 28, 30-39, 42, 43, 64, 67 and 68 are objected to. Claims 1, 30-32, 34, 36, 39, 41, 42, 48, 57 and 63 are amended. Claims 5-28, 43, 58, 64-70, 72-80 and 82-88 have been canceled. Claims 1-4, 30-39, 41, 42, 45-57 and 59-63 are currently pending. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

Objection to the Specification

The specification was objected to for not including a statement cross-referencing the related reissue application, U.S. Patent Application No. 10/243,496. The specification has been amended in accordance with the Examiner's suggestion. Thus, the objection to the specification is overcome.

Defective Oath/Declaration

The Office Action states that the reissue oath/declaration is defective because the error which is relied upon to support the reissue application is not an error upon which a reissue can be based. Applicants' representative has prepared a new reissue oath/declaration for the inventors to execute, and will submit the newly executed oath/declaration to the Examiner in due course.

New Matter Rejection

Claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 41, 45-63, 65, 66, 69, 70, 72-80 and 82-88 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought.

Claims 41, 57 and 63 have been amended to change “conductive material” to “metal”. As acknowledged in the Office Action, this feature of the invention is disclosed in U.S. Patent No. 5,683,938. Thus, no new matter has been added to the claims.

Claims 45-56 and 59-62 are dependent on claim 41. As discussed above, claim 41 has been amended to remove any alleged new matter. Thus, claims 45-56 and 59-63 also do not include new matter.

Claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 58, 65, 66, 69, 70, 72-80 and 82-88 have been canceled rendering the rejection of these claims under 35 U.S.C. 251 moot.

Accordingly, the new matter rejection of claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 41, 45-63, 65, 66, 69, 70, 72-80 and 82-88 under 35 U.S.C. 251 is overcome.

Recapture Rejection

Claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 41, 45-63, 65, 66, 69, 70, 72-80 and 82-88 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based.

As discussed above, claims 41, 57 and 63 have been amended to change “conductive material” to “metal”. As acknowledged in the Office Action, this feature of the invention was not surrendered during prosecution of U.S. Patent No. 5,683,938. Thus, Applicants’ do not seek to claim subject matter allegedly surrendered during prosecution of a patent upon which the present reissue application is based.

Claims 45-56 and 59-62 are dependent on claim 41. As discussed above, claim 41 has been amended to remove any alleged surrendered subject matter. Thus, claims 45-56 and 59-62 also do not include surrendered subject matter.

Claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 58, 65, 66, 69, 70, 72-80 and 82-88 have been canceled rendering the rejection of these claims under 35 U.S.C. 251 moot.

Accordingly, the recapture rejection of claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 41, 45-63, 65, 66, and 69-88 under 35 U.S.C. 251 is overcome.

Claim Rejections Under 35 U.S.C. § 112

Claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 41, 45-63, 65, 66, 69, 70, 72-80 and 82-88 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

As discussed above, claims 41, 57 and 63 have been amended to change “conductive material” to “metal”. As acknowledged in the Office Action, this feature of the invention is disclosed in U.S. Patent No. 5,683,938. Thus, the specification sufficiently describes the claimed subject matter.

Claims 45-56 and 59-62 are dependent on claim 41. As discussed above, claim 41 has been amended to include subject matter that is sufficiently described in the specification. Thus, claims 45-56 and 59-62 also comply with the written description requirement.

Claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 58, 65, 66, 69, 70, 72-80 and 82-88 are canceled rendering the rejection of these claims under 35 U.S.C. 112 moot.

Accordingly, the rejection of claims 6-8, 10-13, 15, 17, 18, 20, 22-25, 27, 41, 45-63, 65, 66, 69, 70, 72-80 and 82-88 under 35 U.S.C. 112 is overcome.

Claim Objections

Claims 1-5, 9, 14, 16, 19, 21, 26, 28, 30-39, 42, 43, 64, 67 and 68 are objected to for not correcting any error identified by the oath/declaration. Claims 5, 9, 14, 16, 19, 21, 26, 28, 43, 64, 67 and 68 have been canceled rendering the objection of these claims moot. As discussed above, a corrected oath/declaration will be executed and submitted in due course such that the objection to claims 1-4, 30-39 and 42 will be overcome.

Appl. No. 09/434,736
Amdt. dated July 29, 2009
Reply to Office Action of April 30, 2009

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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